

Remarks/Arguments:

This paper is submitted responsive to the office action mailed September 23, 2010. Reconsideration of the application in light of the accompanying remarks and amendments is respectfully requested.

In the aforesaid action, claim 16 is objected to due to a typing error. Claim 16 has been cancelled and limitations added to claim 1. In the claim amendment, this issue has been addressed to reflect a more accurate recitation of claim features as was present in original claim 16.

Claims 41-43 were rejected under 35 USC 112, first paragraph. It is stated that the specification fails to enable a two part composition, and it is further stated that the Examiner cannot find anything in the specification that would enable the skilled artisan to make a two part composition. The Examiner's attention is directed to the specification beginning at paragraph [0042], which is where the two-component system is discussed. In paragraph [0043], an example is given as to which components of the over-all composition could be included in component I and which could be included in component II. This paragraph further says that components could be stored separately from one another until use of the composition, for example to extend the shelf life. Paragraph [0044] specifies a mixture of one or the other component, or both, may be made with organic solvents. Further, beginning in paragraph [0052], an example is given of preparation of a composition in two components (I and II). Paragraph [0053] carefully outlines the preparation of component I. Paragraph [0054] carefully outlines the preparation of component

II. Following paragraphs in the specification then deal with how these components are used.

Based upon the foregoing, reconsideration of the rejection of claims 41-43 under 35 USC 112, first paragraph, is respectfully requested.

The office action next recites rejections under 35 USC 102(b) based upon Herber et al., Strader, Chikuni et al., and Saad et al. Each of the cited references requires some additional components, steps, or both, which are avoided by the inventive composition and claim 1 as amended.

Herber discloses that an inorganic, film-forming material is an essential component (see Herber, column 2, lines 1-34).

Strader requires amino or ammonium compounds, and specifies that these components are essential as discussed in column 1, lines 59-68.

Chikuni discloses that radiation is required for curing, while curing in the present invention occurs based upon temperatures in excess of room temperature, and it is noted that Chikuni does not disclose this curing above an object temperature.

Saad describes organo-halo-silanes as essential and necessary in the manufacture of the binder which they disclose, and of course in the present invention no organo-halo-silanes or siloxanes are needed.

In each rejection, the prior art documents call for more complex structures including additional components and treatment steps which are not contemplated in any way shape or form in the present invention, nor are any of these components or steps needed in order to obtain a suitable binder according to the invention.

As set forth above: Herber requires at least one inorganic material which is film-forming as melt, and at least one reactive (oligo) silane; Strader requires a water soluble ammonium or amine salt of a drying oil-modified co-polymer of an alkyl acrylate and an alkyl metacrylate wherein the alkyl groups of each have from 3 to 5 carbon atoms, the co-polymer having an average molecular weight of not more than 9,000; Saad requires organo-halo-silanes in order to prepare the binder; and Chikuni devised a radiation hardening coating which is significantly different from the industrial grade coating of the present invention which cures by elevated temperatures.

The binder according to the invention is prepared without hazardous materials and utilizing fewer ingredients, thereby simplifying the process and allowing for greater efficiency.

Based upon the above, it is respectfully submitted that claim 1 is allowable over the art of record.

All dependent claims depend directly or indirectly from independent claim 1, and it is therefore believed that these claims are allowable for the reasons set forth above.

It is noted that claim 1 as amended specifically excludes certain components which are recited in the prior art, and support for these exclusions is implicit in the specification through the indications that the composition according to the present invention does not contain organic solvents as discussed in paragraphs [0006] and [0009]. It is further pointed out that the binder contains no acid for catalysis, as explained in paragraph [0015] of the specification. Paragraph [0014] explains that there is preferably no emulsifying agent,

and the specification at paragraph [0021] discusses the curing of the binder at temperatures which are clearly above room temperature, and explains how this temperature is made, with respect to measurements of object temperatures which are to be treated with the binder.

Based upon the foregoing, it is respectfully submitted that the amendments to claim 1 are supported by the specification which do not constitute the introduction of new matter.

An earnest and thorough effort has been made to respond to all issues raised in the outstanding office action. If upon consideration of this response the Examiner believes that issues remain which could be resolved by telephone interview, the Examiner is invited to telephone the undersigned to discuss same.

This paper is accompanied by authorization to charge a deposit account for a one month extension of time. It is believed that no other fee is due in connection with this paper. If any such fee is due, please charge same to Deposit Account 02-0184.

Respectfully submitted,

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